

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

JAMES DEWAYNE HOLBERT,)	
)	
<i>Plaintiff,</i>)	
v.)	No. 1:10-cv-34
)	<i>Chief Judge Curtis L. Collier</i>
NURSE CHERYL CROSS,)	
)	
<i>Defendant.</i>)	Jury Trial

MEMORANDUM

This is a *pro se* civil rights action brought pursuant to 42 U.S.C. §1983. Presently before the Court is a motion filed on behalf of Defendant, Nurse Cheryl Cross (“Defendant”), to dismiss the case due to Plaintiff’s non-compliance with the scheduling order (Court File No. 9).

In support of her motion to dismiss, Defendant asserts that the Scheduling Order entered on August 8, 2011, by this Court required Plaintiff, James Dewayne Holbert (“Plaintiff”) to file his pretrial narrative statement by Thursday, November 7, 2011. Plaintiff was forewarned that unless he complied with that filing deadline, his case would be dismissed. As of Wednesday, November 16, 2011, Plaintiff has failed to file a pretrial narrative statement.

Defendant has moved to dismiss this action based on Plaintiff’s failure to comply with the Scheduling Order. As Defendant correctly points out in his motion, the date established for Plaintiff to submit his pretrial narrative statement has come and gone, but he has failed to file his statement or any other pleading.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. This authority is based on the Court’s inherent authority to control its docket and prevent undue delays in the disposition of pending cases. Plaintiff has apparently lost interest in pursuing any claims in

this Court as evidenced by the fact that he has failed to file his pretrial narrative statement.

Therefore, this action will be **DISMISSED** for Plaintiff's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). Accordingly, Defendant's motion to dismiss will be **GRANTED** (Court File No. 9) and the April 30, 2012, trial date will be **CANCELLED**.

A appropriate judgment will enter.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE